

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
November 4, 2015**

Meeting was called to order at 6:18 p.m.

Members Present: Mr. Snow, Chairman, Ms. Caisse, Mr. Harding, Mr. Parys, Mr. Schmid and Ms. Scott-Pipes.

Also Present: Patrick Gallivan, Agent, Carol Logue, Secretary

Agenda: Motion to accept the agenda Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Informal / Enforcement: Scanzillo, 262 Central Ave.

Joe Scanzillo and Ed Joy were present. Rip rap stone was placed around the property; septic was exposed by severe weather in 2014; a lot of the stone was to cover the septic. Sent an e-mail letter pointing out the reason for the work. Tried to do it early spring, but have been in and out of the hospital. Had to remove barricade for the repair; just replaced with a new barricade. Pilings would run 9' to 14' on center, not in a straight line. There were unsupported joints, nothing to hold them; doubled up. Initially backfilled a month or so ago. There are 11' to 11.6' tides that left a large void. Referred to EPA with significant points outlined in orange, recommended rip rap. Does not contribute to scouring. There is a 2 to 1 pitch, EPA and DEP have encouraged this to prevent erosion and DEP also suggested to replace material prior to the next event. In 2011 repaired leaching field and rip rap wall; received Certificate of Compliance. Mr. Snow: the amount of work that was done requires a filing. DEP issued an emergency declaration for this type of repair. Only for about a month after the storm. Mr. Gallivan: on a barrier beach and V flood zone, been told not to use jagged rocks. Regardless of what the project is you need to file because you are on a barrier beach. Hire someone that has coastal experience; can't permit it this evening. Might want to run it by DEP. Trying to deter people from just doing work without a permit. Did not put any equipment on the beach; not easy to do. Ms. Caisse: what you did is what a lot of people want to do. It seemed the logical way to handle it. Will have communication with someone experienced in the field. File soon.

Introduction to the Scituate Water Resource Conservation Plan:

Shirley Young was present. Drafted a Water Conservation Plan. There is a DEP Water Management Act. Would like to have the plan adopted by Scituate and a support letter from the Commission; drafted one to either modify or sign. What is the deadline? Need to have it to the Selectmen's meeting in January; 2 to 4 weeks. Vote on the 18th. Will discuss at the next meeting. Looked at different buildings, water use and savings. Mr. Snow: it was a lot of work.

Request for Determination: McLoughlin, 111 Lawson Road (septic repair)*

Phil Spath was present at the hearing. This is a repair of a septic; wetlands circle the property; out of the 50' buffer with some grading, Board of Health has approved. Motion for a negative 3 determination - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." Yard debris and concrete shall be removed from two areas of the wetland on the right side of the property. There shall be no further disturbance in the future. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Smith, 151 Border Street (garage) (cont.)

Carmen Hudson from Cavanaro Consulting, Shawn Pappas, Landscape Architect and Mr. & Mrs. Donald Smith were present at the hearing. Carmen Hudson sent revised information to the members. Mr. Gallivan expressed the preference for information be sent to the office and then it would be distributed to the members, rather than applicants going outside of a public hearing; no one has read yet. Project is an attached garage 24-1/2' x 25'. Resources: saltmarsh, coastal bank, and riverfront area. Scope of project has not changed. Outside the 100' riparian zone. Added 1500 sq. ft. of native buffer plantings; submitted a landscape plan. Total increase of impervious surface is 100' in the outer riparian zone; 1,050 sq. ft. of plantings to offset any detriment. Researched files extensively. Pat: vegetation plan would make the site better, it really comes down to 10% disturbance in the riverfront area and how that is measured. Read the law and there are a couple of interpretations, but seems to be more than 10%. Another argument is a Certificate of Compliance was issued. Lot was viewed on its own merits. Now it has been subdivided and property is well over 10% of disturbance. It is almost like you created your own hardship. Both of these homes come after the riverfront regs. Applicant is making an effort; it should be viewed on its own merit. Just don't know if we can review on its own merit. DEP had no comments. Mr. Parys: The other projects are over and done with. Feel we are holding them hostage on other people's bad judgment. Mr. Gallivan: Dog pen wasn't on any notice or went through review. Pool project started with a smaller pool. First plan 2001 only had the pool with no patio. Commission asked them to show everything. The project was denied and it was appealed, then there was mediation. The Orders were amended. Plan shows pool and patio, but smaller. Orders for 151 & 159 were closed at the same time. If this project came in with the whole acreage this would fit under the 10%, but not now with Mr. Ames lot next door. Certificate of Compliance was issued before the property was subdivided. If they were to revegetate are they getting close? Maybe if impervious is reduced you might get back into the percentage. Carmen Hudson: The area of the proposed garage isn't huge, believe there is a way to address it. But it changed the percentage considerably, which came to Pat's attention with this filing. What can we do? Could we move forward changing the types of surfaces? Garage adds 612 sq. ft. of impervious. Could we propose some of the new driveway to be pervious. Mr. Harding: better chance. Didn't see the new information until 5:00 p.m. and haven't read it. These are state regulations. Would like to get this project approved. The client is willing to provide a no net increase; don't think 159 Border should be brought into this project. Ms. Caisse: Can't vote on something we haven't read. Mr. Snow: one important issue is the segmentation of this area. Don't see a huge deal with the driveway, more concerned with the open areas between the house and the river, work toward additional plantings that don't impede the view but are good for habitat; more beneficial for the concerns of our Commission. Removal of impervious might get closer to the 10%. Trees were left, but not all and all the brush has been removed. Rather reconstruct the habitat. Appreciate what Pat is saying. DEP relies on the local Commissions to look at and catch things. Ms. Scott-Pipes: they gave a 1:1 planting plan. Mr. Pappas, 222 North Street, Hingham: shaded area and there is a lot of

needle coverage. There are some blueberries and an opportunity to add some layers between the house and the riverfront. Mr. Schmid: Certificate was signed before it was parceled off; not comfortable moving forward. Mr. Harding: understand everyone wants to move ahead, do think it can be put together in the end. Mr. Parys: agree, first we look at the garage, then we look at what we want for that disturbance. Pat can see if he can get feedback from the state. Mr. Snow: Doesn't appear there are any deed restrictions. Mr. Gallivan: restrictions are state regulations. In the Rivers Protection Act there is supposed to be a corridor left untouched. There is an Order in place for the parcel next door. Is there anything the applicant should be doing? Will copy Cavanaro on everything sent to DEP. Uncomfortable with closing now. Mr. Snow: would like to see that corridor. Maybe redistribute, add more plantings and plant in a concentrated area for habitat. Possibly remove a section of driveway. DEP has a guidance document for the riverfront area. Ms. Scott-Pipes: asking for more than a 1:1 ratio. It is really 1.4 to 1. May want to wait on additional landscape plans. Motion to continue the hearing to November 18, 2015 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: McKinnon, 168 Central Ave. (add to existing concrete wall)*

William McKinnon was present at the hearing. Abutters' notification was submitted. Didn't realize a Notice of Intent had to be filed. Someone told him he didn't need a permit. Project is on a barrier beach and a coastal dune is on the adjacent property with no vegetation. Septic was installed on the right side and there was an existing wall 2-1/2' put in in 1962; don't think there were regs back then. Only vegetation is beach roses, which were not disturbed. First diagram shows survey of property and the existing wall. Basically wanted to protect the property, lost deck in 1978 and car in the No Name storm. Added approximately 18"- 23" onto the existing wall; dropping down to 22", shown on sketch 2. Would like to remove exposed rebar off the top. When the adjacent property was modified, leaching field, had to be 4' above water line, making it higher than his property. Landscaped best they could. Ms. Scott-Pipes: knows it was an existing wall and DEP allows adding to seawalls. Mr. Schmid: because of the leaching field next to him, seems like a reasonable thing to do if it doesn't alter the flow, and no one else is getting impacted. Reasonable and warranted by DEP. Mr. Harding: this is perpendicular to the water, from the ocean to the river. Ms. Caisse: believe the project is reasonable and think he's learned he needs to file with the Commission. Mr. Gallivan: logical way to protect yourself. If you didn't have a wall, DEP wouldn't allow it; no more solid walls are allowed. The wall is still lower than the leaching field. The slope does go toward his house. We asked him to file and he did. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: O'Brien, 19 Kenilworth Street (septic)*

Bob Crawford from E.E.T., Inc. was present at the hearing. Abutters' notification was submitted. Septic repair on a 3600 sq. ft. lot on ocean side; currently a cesspool. AE flood zone elevation 14'. Replace with a 1500 gallon tank and 1500 leaching chambers on easterly side of house. Most of the area chambers will be covered by a cement driveway and a concrete slab will be removed and covered with pavers or gravel. Mr. Parys: behind the house there is a dune with almost no vegetation. Hopefully the dune will be able to be kept in place. Three variances are requested; need a hearing with Board of Health. Mr. Crawford believes it is prudent to keep the hearing open, even though there isn't much that can be changed. These are standard leaching chambers that have been used for 7 or 8 years. Keep as much vegetation as possible. Motion to continue the hearing to November 18, 2015 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Davis, Tr., 111 Humarock Beach Road (raze/rebuild due to fire)*

Paul Mirabito from Ross Engineering was present at the hearing. Abutters' notification was submitted. This is an 11,250 sq. ft. lot with a seawall on the ocean side. This is one of the homes that was completely destroyed by fire. Proposing to reconstruct. Existing dwelling and proposed dwelling are shown on the plan. Moving main structure back and out of the V zone with top of pile at 21', but still constructed to the V zone elevation and adding outside decks. Top of seawall is at 15.7'; top of pile 5-1/2' above seawall. Deck piles 6" lower than house piles. Deck can't be connected to the house and it is not going to the seawall. No proposed walkway to the wall. Mr. Gallivan: looks fine, but a lot of information is missing from Notice of Intent. For instance how much square footage of alteration for land subject to coastal storm flowage? No narrative or information regarding the driveway; don't know what the surface is now. Looking for a complete submittal. In the future need this information on the forms. Don't know if we want to close subject to Mr. Mirabito submittal of a revised plan, the amount of disturbance and even the location of the existing septic would be beneficial. In this case we know where it is. Motion to close the hearing pending submittal of additional information Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Amendment of Order of Conditions: Sheehan, 15 Seagate Circle (wood pilings)

Paul Mirabito from Ross Engineering was present at the hearing. Abutters' notification was dropped off at the office previously. Due to soil conditions, the foundation needs to be changed from concrete piers to driven wood pilings. Did original application to elevate the house. Received a call from the contractor Michael Biviano and asked Paul to explain the project. After house was put on the cribbing, the original contractor dug and found peat; had to redo the foundation plans. Seagate is a filled marsh. Pilings are less invasive. Motion to accept the amendment Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote. Silt socks should be used for erosion controls.

Wetlands Hearing: SMJJ Real Estate/Daileader, 12 Graves Road (elevation & additions)*

Steve Hassett from Morse Engineering was present at the hearing. Abutters' notification was submitted. 5,000 sq. ft. lot, with paved driveway, garage, and a few sheds. Across the street is a BVW flagged by Brad Holmes, June 2015; 100' wetland line just crosses the property. FEMA AE flood zone, elevation 10'. Half in the flood plain. Raise the house from 12.7' to 19', then will drive under house on a gravel drive. Applicant is proposing to build a porch and deck in back and replace the deck in front. Almost all the house is out of the 100' buffer zone, except for corner of deck and driveway. Zoning Board of Appeals approved the plan. Nearest work to the wetland is 95'. Ms. Scott-Pipes: Adding to foundation or completely new foundation. Concrete foundation for the addition. Pat Gallivan: considered new flood zone? Yes. Rather than straw wattles, would rather have you use silt socks. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Shores, 304 Clapp Road (garage/addition/septic)*

Darren Grady, from Grady Consulting was present at the hearing. Abutters' notification was submitted. The 100' buffer, 50' buffer, existing dwelling and existing garage are shown on the plan. The site was cleared near wetlands. The owner approached John Zimmer for a restoration plan; intent is to restore what was disturbed. Septic system is shown inside the 100' buffer, and the applicant would like to raze and rebuild the existing garage on a slab with an impervious driveway, but driveway is already impervious. There was approximately 490 sq. ft. of

disturbance in the 50' buffer. Needs mitigation. There is no other place to put the garage. It is an old house that has been there long before the Wetlands Protection Act. Mr. Schmid: just for the record, inside the 50'? Very rare the Commission allows that. Unusual circumstances, don't want anyone to think this is some kind of precedence. Mr. Snow: already a disturbed area. There are a good amount of plantings proposed and removing invasive species; normally wouldn't allow. Seller is required to do the planting. Want an escrow amount and Mr. Shores offered \$5,000.00. If we put it in the order it would fall on the new owner. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Certificate of Compliance:

11 Eisenhower Lane: Darren Grady was present. The owner is out of state and asked Mr. Grady to come in. House is for sale so there is a rush for a Certificate. Several things were done beyond what was allowed. Gravel driveway is now paved and there is a much larger deck. Two sheds, one new and a new walkway. Not possible to issue a Certificate of Compliance. If he'd filed, it isn't something we could allow; don't know how close anything is to the brook. There are a few houses between this house and the brook. Mr. Harding: can we issue a violation? Mr. Snow: Send a violation and instruct him to file a new Notice of Intent or request an amendment. Deck within 20' of the wetlands. They will need siltation. Request additional plantings. Sheds are 8' away from wetlands. For the deck enlargement, maybe plantings for mitigation. Put shed in a different location because they are replacing two with one. Permeable pavers for driveway.

Order of Conditions: Green, 87 Maple Street (new build)

Hold off may need to relocate their septic. Already closed the hearing. If they need to change the plan, they will have to come back for an amendment. Usually with a septic we might be able to accept a revised plan. Not going to take any more information. Can't change anything without an amendment. Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Amendment to the Order of Conditions: Sheehan, 15 Seagate Circle (wood pilings)

Motion to condition the amendment Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Enforcement: 262 Central- done already

140 River: they did respond back to Board of Health; they had a pumping record. Wall is pending.

392 Tilden: Met today in Bill's neighborhood. Knows he has to do plantings; needs to get it delineated; lobster pots weren't there. Shed still there? Didn't notice.

Steverman's Farm, 257 Country Way: working on information about land in agriculture, disputes what the owner thinks. Never met with Ronnie Simon who farms the property. The Assessor's office stated that this structure is out of Chapter 61. All the plans say 6.97 acres. Mr. Snow: tell them the only thing they can do is grow vegetables. Not in the Chapter 61. Should be surveyed again. Ronny Simon said he planted sunflowers out there the past few years. Will keep spinning our wheels if we don't have a plan that shows the house. It is not a lawn. Ms. Scott-Pipes: The tree line is where the buffer starts. As soon as the land was transferred to Brian it was taken out of Chapter 61. .918 of an acre has been taken out of Chapter 61. Don't know where the property line is because we don't have a plan. A&R plan did not show the line. We want some kind of buffer. Mr. Schmid: set a line and make it a no disturb zone. Normally we have a plan. The bottom line is we need to protect the water supply. Table for tonight.

31 Mary's Lane: survey issue. She hired Brook Monroe's flags and had it surveyed with the flags. They stopped clearing.

Lot 2 Peggotty Beach: we were out there, can't say too much. The next plan is to meet an abutter and DPW to see if there is a connection to the marsh across the street. DPW is going to check the pipe.

Staging area Lawson Road: No erosion control. Meeting tomorrow regarding Lawson Road, Central Ave. winter clean up and Lot 2 Peggotty Beach.

Extension: Bartlett Field Realty Trust, Booth Hill & Clapp Roads (ORAD)

Mr. Gallivan went out to the site with John Zimmer; Steve Ivas did the original plan, there are lots of flags. Don't think they are coming up with very good perks.

Walked DeVoisin both parcels are beautiful. Not sure how to proceed. Mr. Snow: talked with Debbie Barlett/Debbie Damon. She understands the benefit of getting a larger parcel. If we don't make that trade, there is a possibility the back land will be developed. Only question is do we give up everything or maintain a strip of land coming out to Clapp Road, even if we agree not to have a parking; it would make a nice loop and could connect to Barlett Field/Livingstone property. We should probably have a public meeting; make a public notification and notify some of the abutters. Also has to be voted by the legislature. Would like it to happen by annual town meeting. Try for the next meeting.

Certificate of Compliance: 24 Webster Street.

Mike Solimando was the builder. Mr. Parys looked at the lot and there is a three sided concrete block wall. What would the building department do? It is not permitted and it is in violation. Pat thought they had a Partial Certificate and it was just plantings. Had a meeting on this about a year ago. It is a violation to build a seawall; needs to be taken down.

Richard Harding, Coastal Advisory Commission liaison: trying to get a lot more information out to everybody in town. Most people aren't aware of the effort Nancy Durfee has done. She has gotten \$8 million for various projects. Oceanside seawall, no guarantee but with time we should get some of a \$10 million grant. Money awarded for permitting beach nourishment and dredging around 4th cliff; renourish Humarock Beach. Web page created; there is a lot going on; Nancy's working her tail off. One meeting a month.

Mr. Schmid, member of the Beach Commission: December 1, 7:00. Big seaweed issue on the Glades.

Certificate of Compliance:

15A Hawthorne – if hydrangeas are acceptable, could issue; have pictures. OK

24-26 Wade shared septic OK

139 Turner: best looking concrete pilings seen OK

131 Glades Road: problems; site is across from the wall at the beach. Elevated big wall in front all the pilings are attached to the concrete. Think Neil Duggan said it was OK. Two dumpsters and boats. Hold off.

Minutes of September 2, 2015:

Motion to accept the minutes of September 2, 2015 PSP. BS. Unanimous.

Vocational Life program: Community Breakfast November 19th, 9:30 – 10:30 to thank people for the vocational support.

CORRESPONDENCE

October 22, 2015 – November 4, 2015

1. Planning Board re: Mixed Use Special Permit in the Village Business Overlay District – 2 apartments above existing business at 20 Country Way.
2. DEP File #68-2570 – O'Brien, 19 Kenilworth Street (in file)
3. DEP File #68-2571 – D.F. Nominee Trust, 111 Humarock Beach (in file)
4. Zoning Board of Appeals re: Special Permits/Findings: 7 & 11 Elm Park; 579 Country Way, 412 Tilden Road (to Pat)
5. Planning Board – disregard (#1.) Mixed use for 2 apartments at 20 Country Way
6. Board of Health re: 140 River Street, alleged pumping contents of septic system into the South River (in file)
7. MACC Member cards
8. Wave Attenuating Devices (e-mailed to Nancy and Monday the Commission)
9. 15 Seagate Circle Amendment – soil conditions showed wooden piles should be used instead of concrete piers. (in file)
10. Revised Site Plan for 87 Maple Street – moved dwelling away from wetlands (in file)
11. Recording of Partial CofC for 68-2474 – 214 Clapp Road (in file)
12. DEP File #68-2572 – Green, 87 Maple Street (in file)
13. DEP File #68-2573 – Shores, 304 Clapp Road (in file)
14. Request for Extension for 68-2443 - Bartlett Field Realty Trust, off of Booth Hill & Clapp (ORAD) (in file)
15. Request for CofC for 68-2446 – 24 & 26 Wade Street (in file)
16. Notification to abutter re: 304 Clapp Road (in file)
17. Notification to abutter re: Abbott/Chamberlain Management Company (aka The Glades Club) (in file)
18. Revised Wetland Fee Transmittal Form for 304 Clapp Road – Additional funds (more than 1 activity) (in file)
19. Scituate Water Resource Conservation Plan
20. Request for CofC 68-1962 – Coleman, 11 Eisenhower Lane (site visit – asphalt drive/larger deck) (in file)
21. DEP File #68-2574 – SMJJ Real Estate LLC, 12 Graves Road (in file)
22. Plan of Land at Hatherly Road (in Enforcement file)
23. MACC Dues for FY 17 - \$541.00
24. Board of Health re: 141 River Street – complaint regarding laundry facilities directly discharged to the South River over Labor Day weekend. Immediate attention is required.
25. Plymouth County Mosquito Control re: Scituate Country Club. Reclamation of the site will begin on or about Nov. 5. The water course will be kept as natural as possible, spoils will be used to fill depressions and spread along edges as thinly and evenly as possible with a Linkbelt excavator.
26. DEP File #68-2575 – McKinnon, 168 Central Ave. (in file – if I see Pat and the file)
27. Recording of OofC 68-2569 – 73 Seaside Road (aka 66 Egypt Ave.) (in file)
28. RSVP to a Vocational Life Skills Program at SHS – Nov. 19, 2015 - 9:30 – 10:30 a.m.
29. Cavanaro Consulting re: 151 Border Street 68-2568 – supplemental information (in file)

Meeting adjourned 8:48 p.m.

Respectfully submitted,
Carol Logue, Secretary